

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Subsection (d) of Section 230, Title 14, California Code of Regulations
Re: Special provisions for black bass tournaments.

- I. Date of Initial Statement of Reasons: April 11, 2005
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: March 17, 2005
Location: Oakland
- (b) Discussion/Adoption Hearing: Date: June 24, 2005
Location: Bishop
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- Current general regulations for permitted black bass fishing contests (tournaments) do not provide exemptions from the sport fishing regulations, except as stated in subsection 230(d). The aforementioned exemption does not allow anglers participating in permitted fishing contests to continue to take black bass if they have a daily bag limit in possession.
- The Department proposes to add a section to current regulations so that anglers participating in permitted Event (Type A) or Annual (Type B) Black Bass fishing contests may continue to catch and release black bass and have a daily bag limit in their possession. Anglers will not be authorized under this proposed regulation to possess more than one daily bag limit in their livewell or other suitable holding facility at any time during the permitted event.
- This proposed regulatory action is necessary to allow anglers fishing in permitted Black Bass fishing contests to exceed daily bag limits. This regulatory provision will allow permitted anglers the ability to be consistent with national standards set by angling organizations.
- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 1050 and 2003, Fish and Game Code.

Reference: Sections 711, 713, 1050 and 2003, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None
- (d) Identification of Reports or Documents Supporting Regulation Change: None
- (e) Public Discussions of Proposed Regulations Prior to Notice publication: March 17, 2005 Fish and Game Commission meeting, Oakland, CA

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None was identified.
- (b) No Change Alternative: A no-change alternative would cause permitted California Black Bass contest anglers and organizers to be inconsistent with other contest formats and standards across the nation. This could potentially lead to the withdrawal of large scale organized events in California, from national angling organizations.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective as and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting

Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: Given that there is no significant change to the existing contest format, the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Informative Digest/Policy Statement Overview

Section 1.17, Title 14, California Code of Regulations (CCR), provides that no more than one daily bag limit of each kind of fish, amphibian, reptile, mollusk or crustacean named in these regulations may be taken or possessed by any one person unless otherwise authorized; regardless of whether they are fresh, frozen, or otherwise preserved. Current regulations (Section 5.00, Title 14, CCR) also provide specific bag limits for black bass and no provisions of any regulations exempt any participant in a black bass fishing contest (tournament) from the sport fishing regulations.

However, the Department of Fish and Game as part of Event Permit conditions for fishing contests may authorize an exemption to new regulations which impose an increased minimum size limit larger than 12 inches, a slot size limit, or a reduced bag limit less than five fish. Permit regulations also provide that “insofar as possible; all fish shall be returned to the water alive and in good condition”.

The aforementioned exemption does not provide for exceeding the daily bag and possession limit. Local and National angling organizations have requested an exemption to allow for exceeding the daily bag and possession limits for permitted contests under the provisions and conditions of contest permits. This exemption would allow permitted contests to continue a tradition of maintaining a daily bag limit of fish in a livewell while anglers continue to catch and release fish. These requests are based on the provision that all fish caught in the permitted contest will eventually be released alive, barring any unforeseen mortality.

The Department is proposing to allow anglers, authorized under an Event or Annual Black Bass Contest Permit, to continue to catch and release black bass once they reach their daily bag limit. Under the proposed regulation, once the daily bag and possession limit has been reached, each additional fish caught must immediately be returned to the water alive and in good condition, or be used to replace a fish being maintained alive and in good condition from the participant’s livewell or other suitable holding facility. Anglers will not be authorized under this proposed regulation to have more than the daily bag and possession limit in their livewell or other suitable holding facility at anytime during the permitted event.